

Amendment No. 1 to HB2271

Hazlewood
Signature of Sponsor

AMEND Senate Bill No. 2682

House Bill No. 2271*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-11-703, is amended by deleting subsection (c) and substituting:

(c)

(1) The items enumerated in subdivision (c)(2) are subject to judicial forfeiture as provided in this part for a violation of the following offenses:

(A) For an offense committed on or after July 1, 2022:

- (i) Kidnapping, as defined in § 39-13-303;
- (ii) Aggravated kidnapping, as defined in § 39-13-304;
- (iii) Especially aggravated kidnapping, as defined in § 39-13-305;
- (iv) Aggravated rape of a child, as defined in § 39-13-531;
- (v) Rape of a child, as defined in § 39-13-522;
- (vi) Aggravated rape, as defined in § 39-13-502;
- (vii) Rape, as defined in § 39-13-503; and
- (viii) Commission of an act of terrorism, as defined in § 39-13-805; and

(B) For an offense committed on or after July 1, 2011:

- (i) Involuntary labor servitude, as defined in § 39-13-307;
- (ii) Trafficking for forced labor or services, as defined in § 39-13-308; and

(iii) Trafficking for commercial sex acts, as defined in § 39-13-309.

(2) The items to which subdivision (c)(1) applies are:

(A) When used or intended to be used in connection with such violation:

(i) Conveyances, including aircraft, motor vehicles, and other vessels;

(ii) Books, records, telecommunication equipment, or computers;

(iii) Money or weapons; and

(iv) Real property;

(B) Everything of value furnished, or intended to be furnished, in exchange for an act in violation of such statutes, including all proceeds traceable to the exchange, and all negotiable instruments and securities used, or intended to be used, to facilitate the violation;

(C) Any property, real or personal, directly or indirectly acquired by or received in violation of such statutes, or as an inducement to violate such statutes, or any property traceable to the proceeds from the violation; and

(D) Any real property, including any right, title, and interest in the whole of or any part of any lot or tract of land and any property used as an instrumentality in or used in furtherance of such violation.

SECTION 2. Tennessee Code Annotated, Section 39-11-713, is amended by deleting subsection (a) and substituting:

(a) All property ordered forfeited shall be sold at public auction. The proceeds from all property forfeited and sold at public auction shall be disposed of by the court as directed by this part. If the property seized and ordered forfeited was taken from the

lawful owner through theft or fraud, then the property shall be returned to the lawful owner, or restitution provided, as the court determines. If the defendant owes restitution, the proceeds shall first be directly applied to satisfy any judgments against the defendant for restitution in favor of the victim. The attorney general shall then be compensated for all expenses incident to the litigation, as approved by the court. Any such costs for appeals shall be provided for by the trial court upon conclusion of the litigation. The attorney general shall then direct that any public agency be reimbursed for out-of-pocket expenses resulting from the investigation, seizure, and storage of the forfeited property.

SECTION 3. Tennessee Code Annotated, Section 39-11-703(c)(1), is amended by adding the following as a new subdivision:

() For an offense committed on or after the effective date of Section 3 of this act:

- (i) Especially aggravated rape;
- (ii) Especially aggravated rape of a child; or
- (iii) Grave torture;

SECTION 4. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 5.

(1) Sections 1, 2, and 4 of this act take effect July 1, 2022, the public welfare requiring it.

(2) Section 3 of this act takes effect on the day following enactment of Senate Bill 2841/House Bill 2244 by the 112th General Assembly, creating the offenses of especially aggravated rape, especially aggravated rape of a child, and grave torture are implemented therein, the public welfare requiring it.